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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,581	09/29/2005	Toshihiko Seike	4492-0135PUS1	4579
2292 7590 01/08/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER MORRISON, THOMAS A				
ART UNIT 3653		PAPER NUMBER		
NOTIFICATION DATE 01/08/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/551,581

Applicant(s)

SEIKE ET AL.

Examiner

THOMAS A. MORRISON

Art Unit

3653

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "each of the sheet transport guides including a torsion coil spring having an arm portion which is connected to **each** of the driven rollers". (emphasis added). This recitation appears to be inaccurate. How is each sheet transport guide connected to each driven roller? Rather, it appears that claim 1 should recite something like ""each of the sheet transport guides including a torsion coil spring having an arm portion which is connected to [[each]] one of the driven rollers".

Claim 1 also recites "wherein each of the sheet transport guides applies elastic force to **each** of the driven rollers so that each of the driven rollers is elastically biased toward the rotation roller". (emphasis added). This recitation appears to be inaccurate. How does each sheet transport guide apply elastic force to each driven roller? Rather, it appears that claim 1 should recite something like "wherein each of the sheet transport guides applies elastic force to [[each]] one of the driven rollers so that each of the driven rollers is elastically biased toward the rotation roller".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 12 and 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Publication No. 2001-130780 (hereinafter "JP'780") in view of U.S. Patent No. 5,540,423 (Nakano) (hereinafter "Nakano").

Regarding claim 1, Figs. 1-4 of JP'780 show a sheet transport mechanism, comprising:

a rotation roller (2);

a plurality of driven rollers (5) which are arranged parallel to an axis of the rotation roller (2); and

a plurality of sheet transport guides (including 9 and 8), each guiding toward the rotation roller (2), a sheet to be transported between the rotation roller (2) and the driven rollers (5), each of the sheet transport guides (including 9 and 8) including a torsion coil spring (8) and having an arm portion which is connected to each of the driven rollers (5),

wherein each of the sheet transport guides (including 9 and 8) applies elastic force to each of the driven rollers (5) so that each of the driven rollers (5) is elastically

biased toward the rotation roller (2). However, JP'780 does not explicitly disclose that each elastic force applied to each of the sheet transport guides is different from each other with distance from a predetermined reference position, as claimed.

Nakano discloses that it is well known in the art to adjust the force applied between each driven roller of a plurality of driven rollers (65, 65 and 65) and a respective rotation roller (62, 63, or 64) in a sheet transport mechanism (Fig. 1) so that each of these forces is different from each other, for the purpose of avoiding diagonal orientation of a sheet during feeding of such sheet through the sheet transport mechanism (Fig. 1). See, e.g., Fig. 3, col. 1, lines 47-51 and col. 4, lines 5-17 of Nakano. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the nipping force between each of the driven rollers (5) and the rotation roller (2) of JP'780 so that each of these forces is different from one another, for the purpose of avoiding diagonal orientation of a sheet during feeding of such sheet through the sheet transport mechanism of JP'780, as taught by Nakano. Thus, all of the limitations of claim 1 are met by the cited combination of references.

Regarding claim 12, Fig. 3 of Nakano shows that the predetermined reference position is located in a central part of the shaft (67) of a rotation roller. See, e.g., Fig. 3 and col. 4, lines 15-17 of Nakano to see the nipping forces applied to rollers 63 and 64.

Regarding claim 13, Fig 3 of Nakano shows that the predetermined reference position is located in the left hand end portion of the shaft (67) of a rotation roller. See, e.g., Fig. 3 and col. 4, lines 15-17 of Nakano to see the nipping forces applied to rollers 62, 63 and 64.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 12 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **THOMAS A. MORRISON** whose telephone number is (571)272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653

12/30/2008